

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MICHAEL LEE WATSON,)	
)	
Petitioner,)	
)	
v.)	No. 4:07CV368 CEJ
)	
CITY OF ARNOLD,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

 This matter is before the Court on the motion of Michael Lee Watson to proceed in forma pauperis and his petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The motion to proceed in forma pauperis shall be granted. However, the Court will dismiss the petition for a writ of habeas corpus because it plainly appears from the face of the petition that Watson is not entitled to relief.

 Watson claims that he was found in contempt of court by a municipal judge on February 12, 2007, and was forced to spend twenty-four hours in jail. Watson is not currently imprisoned. The petition does not specify any relief to which Watson believes himself to be entitled.

 Rule 4 of the Rules Governing § 2254 Cases provides that a district court shall summarily dismiss a § 2254 petition if it plainly appears that the petitioner is not entitled to relief.

Under 28 U.S.C. § 2254, the Court may “entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court,” but the Court may not grant such a writ unless the petitioner has exhausted available state remedies.

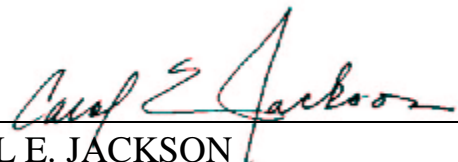
Watson is not eligible for § 2254 relief because he is not “in custody” and because, on the face of the petition, it does not appear that he has exhausted available state remedies. As a result, the petition shall be dismissed pursuant to Rule 4 of the Rules Governing § 2254 Cases.

Accordingly,

IT IS HEREBY ORDERED that the motion of petitioner Michael Lee Watson to proceed in forma pauperis is **GRANTED**.

IT IS FURTHER ORDERED that petitioner’s petition for writ of habeas corpus is **DISMISSED** pursuant to Rule 4 of the Rules Governing § 2254 Cases.

Dated this 28th day of March, 2007.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE